

### **REMARKS**

The Examiner is thanked for the performance of a thorough search. In the Office Action mailed June 6, 2008 ("Office Action"), Claims 1-4, 6-11, 13-17, 19-27, 29-37, and 39-43 were rejected under 35 U.S.C § 103(a) as being allegedly unpatentable over U.S. Pat. No. 6,321,249 ("*Nesbitt*") in view of U.S. Pat. Pub. No. 2003/0204578 ("*Yip*"). Claims 5, 12, 18, 28, and 38 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over the combination of *Nesbitt* and *Yip* and further in view of U.S. Pat. No. 6,041,325 ("*Shah*"). Claims 24-33 were additionally rejected under 35 U.S.C. §101 as allegedly directed to non-statutory subject matter.

By this amendment, Claims 1, 2, 6, 11, 14, 15, 19, 24, 25, 29, 34, 35 and 39 are amended. No Claims are added, canceled, or withdrawn. Therefore, Claims 1-43 are pending in the application. Each issue raised in the Office Action is addressed hereinafter.

### **THE § 101 REJECTIONS**

Claims 24-33 were rejected on the ground that they claim non-statutory subject matter. Specifically, the Office Action suggests that the specification "alludes" to the means of Claims 24-33 being performed by software and that because there is no indication in Claims 24-33 that the means only refers to hardware that one skilled in the art might consider the means software *per se*. Claim 24 has been amended to recite, among other things, "An apparatus for processing a network device operating system operation, comprising: **at least one processor...**" The amendment makes clear that Claims 24-33 are directed to hardware or a combination of hardware and software and are not directed to software *per se*. Removal of the rejection of Claims 24-33 under § 101 is respectfully requested.

### THE § 103 REJECTIONS

Presently pending Claim 1 features:

**receiving, from each of several network device operating system components, callback registration information that specifies the network device operating system operations supported by the network device operating system component and that establishes a callback for providing (a) a network device operating system operation and (b) data associated with the operation to the network device operating system component;**

receiving (a) the network device operating system operation and (b) data associated with the operation within an Extensible Markup Language (XML) document;

parsing the XML document to identify the network device operating system operation;

**selecting, based on the callback registration information, one of the several network device operating system components that supports the identified network device operating system operation,** where the callback registration information received from the selected one of several network device operating system components specifies that the identified network device operating system operation is supported by the selected one of several network device operating system components;

preparing the data associated with the operation for use by the selected network device operating system component; and

providing the identified network device operating system operation and the prepared data in the callback established by the selected network device operating system component.

In rejecting Claim 1 under 35 U.S.C. § 103 the Office Action alleges that the combination of *Nesbitt* and *Yip* satisfy each and every feature of Claim 1. However, as shown below, at least one of the features of Claim 1 that the Office Action alleges are satisfied by *Nesbitt* is not, in fact, satisfied by *Nesbitt*. Further, *Yip* does not overcome the deficiencies of *Nesbitt*. Therefore,

withdrawal rejection of Claim 1 is respectfully requested because all features of Claim 1 are not satisfied by the combination of *Nesbitt* and Yip as required of rejection under § 103.

**NESBITT DOES NOT TEACH OR SUGGEST THE "CALLBACK REGISTRATION  
INFORMATION" OF CLAIM 1**

*Nesbitt* describes an attribute broker that offers two high-level methods to facilitate communication of configuration changes between system elements of the print management system. (*Nesbitt*, col. 3, lines 20-32). One method, "register," allows a system element to register its interest in a configuration "attribute" of a server object in a client-server system. (*Id.*) When a configuration attribute of a server object is modified, the other method, "advertise," allows a system element to notify other system elements that have registered an interest in the attribute. (*Id.*) The notification is accomplished by a "callback function" that a system element provides when it registers with the attribute broker. (*Id.*) Upon receiving an advertisement of an attribute from a system element, the attribute broker calls any registered callback functions. (*Id.*, col. 3, lines 50-59). Thus, by invoking the register method of the attribute broker, a system element in *Nesbitt* indicates its interest in certain configuration changes to other system elements.

In contrast to *Nesbitt*, when a "network device operating system component" ("component") of Claim 1 sends callback registration information, the registration information specifies "the **network device operating system operations supported** by the [] component." (Emphasis added). An attribute registered by a system element in *Nesbitt* does not suggest the callback registration information of Claim 1 because a registered attribute in *Nesbitt* does not specify what network device operating system operations are supported by the system element that registers the attribute. Rather, the register method is called by a system element "to indicate interest in an attribute." (*Nesbitt*, Abstract). However, nothing in *Nesbitt* suggests that by registering an interest in attribute the system element of *Nesbitt* is specifying what network

device operating system operations it supports. Thus, the information provided by a system element in *Nesbitt* to the register method does not satisfy the "callback registration information" of Claim 1.

Further, it is an unreasonable conflation of the express features of Claim 1 to read the callback function described in *Nesbitt* as a network device operating system operation "supported by the network device operating system component" as featured in Claim 1. This is because Claim 1 has distinct features related to "network device operating system operations supported by the network device operating system component" and distinct features related to "a callback for providing (a) a network device operating system operation and (b) data associated with the operation to the network device operating system component." Thus, Claim 1 makes clear that (1) a callback for providing a network device operating system operation and (2) the network device operating system operation provided in the callback are not the same thing.

Further in contrast to *Nesbitt*, the "callback registration information" of Claim 1 establishes a callback for providing "(a) a network device operating system operation and (b) data associated with the operation" to the network device operating system component. Significantly, in Claim 1, the network device operating system operation provided in the callback to the network device operating system component **was indicated as being supported** by the network device operating system component when it established the callback. In *Nesbitt*, however, the configuration information provided to a system element in a callback function is not a network device operating system operation that the system element indicated that it supported when it registered the callback. In fact, it is not an operation at all. In *Nesbitt*, when a system element registers a callback it indicates interest in changes to an attribute of **another** system element. Indicating interest in changes to an attribute of another system element is not the same as specifying "network device operating system operations" that are supported by the

registering system element. There is simply nothing in *Nesbitt* which suggests that system elements, by registering interest in an attribute, are specifying the network device operating system operations that they support or even that they support the attribute which they register interest in. Consequently, it is respectfully submitted, that *Nesbitt* does not teach or suggest the following feature of Claim 1 related to receiving callback registration information that specifies network device operating system operations supported by the component that sends the registration information:

receiving, from each of several network device operating system components, **callback registration information** that specifies the network device operating system operations supported by the network device operating system component and that establishes a callback for providing (a) a network device operating system operation and (b) data associated with the operation to the network device operating system component;

MODIFYING *NESBITT* WITH *YIP* DOES NOT RESULT IN A COMBINATION THAT  
SATISFIES ALL FEATURES OF CLAIM 1

Claim 1 expressly features "selecting, based on the callback registration information, one of the several network device operating system components that can process the **identified network device operating system operation**". The Office Action alleges that this "selecting" feature of Claim 1 is satisfied by *Nesbitt*. However, the "identified network device operating system operation" of Claim 1 is identified by parsing a received Extensible Markup Language (XML) document. Yet, the Office Action agrees that *Nesbitt* does not disclose "receiving (a) **the network device operating system operation** and (b) data associated with the operation within an Extensible Markup Language (XML) document" and the Office Action further agrees that *Nesbitt* does not disclose "parsing the XML document to **identify the network device operating system operation**." Therefore, *Nesbitt* cannot possibly describe "selecting, based on the

callback registration information, one of the several network device operating system components that can process the **identified network device operating system operation**" because, as the Office Action correctly notes, *Nesbitt* does not disclose receiving and parsing an XML document containing a network device operating system operation.

The Office Action contends that any deficiencies of *Nesbitt* are accounted for in *Yip* and that the combination of *Nesbitt* and *Yip* satisfy all features of Claim 1. Applicants disagree. *Yip* does describe saving the configuration data of network device in an XML-formatted file and restoring the configuration data to the network device from the XML file. (*Yip*, para. 29 and 34). However, *Yip* does not describe restoring the configuration data to the network device from an XML file by "selecting, **based on callback registration information**, one of the several network device operating system components that can process the identified network device operating system operation" as featured in Claim 1. Moreover, modifying *Nesbitt* to receive and parse the XML file of *Yip* would not satisfy this "selecting" feature of Claim 1 because *Nesbitt*, as explained above, does not receive the "callback registration information" of Claim 1 which specifies "the network device operating system operations supported by the network device operating system component."

In other words, even assuming, *arguendo*, that the attribute broker of *Nesbitt* receives and parses the XML document of *Yip*, the attribute broker of *Nesbitt* could not "select," based on the registration information it receives from the system elements, one or more of the system elements that supports an operation identified in the XML document because, as explained above, the registration information supplied by the systems elements to the attribute broker of *Nesbitt* **does not specify operations that the system elements support**. Therefore, the combination of *Nesbitt* and *Yip* suggested in the Office Action does not satisfy each and every limitation of Claim 1 as required of a rejection under § 103.

Based on the foregoing, applicants respectfully submit that Claim 1 is patentable over *Nesbitt* and *Yip*. Removal of the rejection of Claim 1 is respectfully requested.

Claims 11, 14, 24 and 34 recite features similar to those recited by Claim 1 and therefore are allowable for the reasons given above with respect to Claim 1. Removal of the rejection of Claims 11, 14, 24, and 34 is respectfully requested.

## CLAIM 2

Claims 2, by virtue of its dependency on Claim 1, is allowable for at least the reasons given above with respect to Claim 1. Additionally, Claim 2 recites additional features which independently render it patentable over *Nesbitt* and *Yip*.

In rejecting Claim 2, the Office Action contends that the following features of Claim 2 are satisfied by *Yip* at paragraph 27:

receiving responsive data that reflects the results of performing said identified network device operating system operation from the **selected one of the several network device operating system components**;  
creating a responsive XML document that contains the responsive data in **XML format**;  
and  
sending the responsive XML document to a network management application.

*Yip* at paragraph 27 states with respect to sending responses:

The configuration manager 70 carries out the actions in accordance with the parameters, and in accordance with an application sequencing scheme that was established at registration time. The configuration manager 70 further passes **responses to the actions and parameters**, if any, back to the application via the configuration management interface 47/57/67 and over the communications channel 71/72/73 using the common messaging interface. (emphasis added)

As a preliminary matter, it should be noted that nothing in this portion of *Yip* or elsewhere in *Yip* is it suggested that the responses to the actions and parameters from the configuration manager are in XML format. Thus, *Yip* does not in fact satisfy the features recited in Claim 2.

Additionally, Claim 2 expressly features receiving responsive data from "the selected one of the several network device operating system components." In other words, Claim 2 expressly features receiving responsive data from the network device operation system component that was selected in the "selecting" step of Claim 1 which, as shown above, is not satisfied by *Nesbitt* and *Yip*, either individually or in combination. Therefore, *Nesbitt* and *Yip*, either individually or in combination, cannot possibly satisfy "receiving responsive data that reflects the results of performing said identified network device operating system operation from the selected one of the several network device operating system components."

Consequently, Claim 2 recites additional features that independently render it patentable over *Nesbitt* and *Yip*. Removal of the rejection with respect to Claim 2 is respectfully requested.

Claims 15, 25, and 35 recite features similar to those recited by Claim 2 and therefore are allowable for at least the same reasons that Claim 2 is allowable.

## REMAINING CLAIMS

The pending claims not discussed so far are dependant claims that depend on an independent claim that is discussed above. Because each dependant claim includes the features of claims upon which they depend, the dependant claims are patentable for at least those reasons the claims upon which the dependant claims depend are patentable. Removal of the rejections with respect to the dependant claims and allowance of the dependant claims is respectfully requested. In addition, the dependent claims introduce additional features that independently



render them patentable. Due to the fundamental differences already identified, a separate discussion of those features is not included at this time.

**CONCLUSION**

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Please charge any shortages or credit any overages to Deposit Account No. 50-1302.

Respectfully submitted,

Hickman Palermo Truong & Becker LLP

Date: September 8, 2008

/AdamCStone#60531/

Adam Christopher Stone  
Reg. No. 60,531

2055 Gateway Place, Suite 550  
San Jose, California 95110-1083  
Telephone No.: (408) 414-1231  
Facsimile No.: (408) 414-1076